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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY _____

JOHN P. KRISTENSEN (SBN 224132)
DAVID L. WEISBERG (SBN 211675)
KRISTENSEN WEISBERG, LLP
12304 Santa Monica Blvd., Suite 221
Los Angeles, CA 90025
Telephone: 310-507-7924
Fax: 310-507-7906
john@kristensenlaw.com
david@kristensenlaw.com

Attorneys for Plaintiff and all others similarly situated

Kristensen Weisberg, LLP
12304 Santa Monica Blvd., Suite 221
Los Angeles, California 90025

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION

TODD M. FRIEDMAN, individually and on behalf of all others similar situated, Plaintiff, vs. GLOBAL EXCHANGE VACATION CLUB, and DOES 1 through 20, inclusive, and each of them, Defendants.	Case No. **SACV14-00096 CJC (RNBx)** **CLASS ACTION** **COMPLAINT FOR VIOLATIONS OF:** (1) Violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (2) Willful Violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* **DEMAND FOR JURY TRIAL**

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CLASS ACTION COMPLAINT

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Los Angeles, California 90025

1   Plaintiff Todd M. Friedman ("Plaintiff"), on behalf of himself and all

2   others similarly situated, alleges the following upon information and belief based

3   upon personal knowledge:

NATURE OF THE CASE

4

5   1.   Plaintiff brings this action for himself and others similarly situated

6   seeking damages and any other available legal or equitable remedies resulting

7   from the illegal actions of defendants GLOBAL EXCHANGE VACATION

8   CLUB ("Defendant" or "Global Exchange") and DOES 1 through 20, in

9   negligently knowingly, and/or willfully contacting Plaintiff on Plaintiff's cellular

10   telephone in violation of the Telephone Consumer Protection Act, 47 U.S.C. §

11   227, *et seq.* ("TCPA"), thereby invading Plaintiff's privacy.

JURISDICTION & VENUE

12

13   2.   Jurisdiction is proper under 28 U.S.C. § 1332(d)(2) because

14   Plaintiff, a resident of California, seeks relief on behalf of a Class, which will

15   result in at least one class member belonging to a different state than that of

16   Defendant, a company with its principal place of business at 26691 Plaza, Suite

17   100 Mission Viejo, California 92691, in Orange County, California. Plaintiff

18   also seeks up to $1,500.00 in damages for each call in violation of the TCPA,

19   which, when aggregated among a proposed class in the thousands, exceeds the

20   $5,000,000.00 threshold for federal court jurisdiction. Therefore, both diversity

21   jurisdiction and the damages threshold under the Class Action Fairness Act of

22   2005 ("CAFA") are present, and this Court has jurisdiction.

23   3.   Venue is proper in the United States District Court for the Central

24   District of California pursuant to 18 U.S.C. §§ 1391(b) and 144(a) because

25   Defendant does business within the State of California and the County of

26   Orange, where its principal place of business is located. *Hertz Corp. v. Friend*,

27   559 U.S. 77 (2010).

28   ///

PARTIES

4.   Plaintiff, TODD M. FRIEDMAN ("Plaintiff"), is a natural person residing in California.

5.   Defendant GLOBAL EXCHANGE VACATION CLUB ("Defendant" or "Global Exchange") is a California corporation with its principal place of business at 26691 Plaza, Suite 100 Mission Viejo, California 92691, in Orange County, California. Global Exchange is registered to do business in California. Plaintiff is informed and believes that Global Exchange conducted and conducts business in Orange County.

6.   The above named Defendant, and its subsidiaries and agents, are collectively referred to as "Defendants." The true names and capacities of the Defendants sued herein as DOE DEFENDANTS 1 through 20, inclusive, are currently unknown to Plaintiff, who therefore sues such Defendants by fictitious names. Each of the Defendants designated herein as a DOE is legally responsible for the unlawful acts alleged herein. Plaintiff will seek leave of Court to amend the Complaint to reflect the true names and capacities of the DOE Defendants when such identities become known.

7.   Plaintiff is informed and believes and thereon alleges that at all relevant times, each and every Defendant was acting as an agent and/or employee of each of the other Defendants and was the owner, agent, servant, joint venturer and employee, each of the other and each was acting within the course and scope of its ownership, agency, service, joint venture and employment with the full knowledge and consent of each of the other Defendants. Plaintiff is informed and believes and thereon alleges that each of the acts and/or omissions complained of herein was made known to, and ratified by, each of the other Defendants.

8.   At all times mentioned herein, each and every Defendant was the successor of the other and each assumes the responsibility for each others' acts

CLASS ACTION COMPLAINT

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1   and omissions.

FACTUAL ALLEGATIONS

9.   Beginning on or around January 6, 2014 at 9:03 a.m. and through at least January 10, 2014 at 9:17 a.m., Defendant contacted, and attempted to contact, Plaintiff on his cellular telephone at (310) 429-9293, in an attempt to communicate with Plaintiff regarding the services of a vacation club and/or time share.

10.   Defendant used an "automated telephone dialing system," as defined by 47 U.S.C. § 227(a)(1) to place its calls to Plaintiff seeking to communicate with Plaintiff regarding services of a vacation club and/or time share.

11.   Defendant's call(s) constituted calls that were not for emergency purposes as defined by 47 U.S.C. § 227(b)(1)(A).

12.   Defendant's call(s) were placed to telephone numbers assigned to a cellular telephone service for which Plaintiff incurs a charge for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

13.   Defendant contacted Plaintiff from telephone number (310) 237-6325.

14.   Defendant never received Plaintiff's "prior express consent" to receive calls using an automated dialing system or an artificial or prerecorded voice on his cellular telephone pursuant to 47 U.S.C. § 227(b)(1)(A).

CLASS ALLEGATIONS

15.   Plaintiff brings this action pursuant to Rule 23 of the Federal Rules of Civil Procedure and/or other applicable law, on behalf of himself and all others similarly situated, as a member of the proposed class (hereafter "The Class") defined as follows:

All persons within the United States who received any telephone calls from Defendant to said person's cellular

CLASS ACTION COMPLAINT

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telephone made through the use of any automatic telephone

dialing system or an artificial or prerecorded voice and such

person had not previously provided express consent to

receiving such calls within the four years prior to the filing of

this Complaint

16.   Plaintiff represents, and is a member of The Class, consisting of All persons within the United States who received any telephone call from Defendant to said person's cellular telephone made through the use of any automatic telephone dialing system or an artificial or prerecorded voice and such person had not previously not provided their cellular telephone number to Defendant within the four years prior to the filing of this Complaint.

17.   Excluded from the Class are governmental entities, Defendants, any entity in which Defendants have a controlling interest, and Defendants' officers, directors, affiliates, legal representatives, employees, co-conspirators, successors, subsidiaries, and assigns. Also excluded from the Class are any judges, justices or judicial officers presiding over this matter and the members of their immediate families and judicial staff.

18.   This action is properly maintainable as a class action. This action satisfies the numerosity, typicality, adequacy, predominance and superiority requirements for a class action.

19.   **Numerosity**: The proposed Class is so numerous that individual joinder of all members is impracticable. Due to the nature of the trade and commerce involved, Plaintiff does not know the number of members in the Class, but believes the Class members number in the thousands, if not more. Plaintiff alleges that the Class may be ascertained by the records maintained by Defendants.

20.   Plaintiff and members of the Class were harmed by the acts of Defendant(s) in at least the following ways: Defendant(s) illegally contacted

CLASS ACTION COMPLAINT

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Los Angeles, California 90025

Plaintiff and Class members via their cellular telephones thereby causing Plaintiff and Class members, without their " prior express consent," and to incur certain charges or reduced telephone time for which Plaintiff and Class members had previously paid by having to retrieve or administer message(s) left by Defendant during those illegal calls, and invading the privacy of said Plaintiff and Class members.

21. **Common Questions of Law and Fact Predominate:** There are only a few legal and factual issues to determine if there is liability under the TCPA and for each of those questions of law and fact, common issues to the Class predominate over any questions that may affect individual Class members, in that the claims of all Class members for each of the claims herein can be established with common proof. Common questions of fact and law include, but are not limited to, the following:

(a) Whether, within the four years prior to the filing of this Complaint, Defendant(s) made any calls (other than a call made for emergency purposes or made with the prior express consent of the called party) to a Class member using any automated dialing system or an artificial or prerecorded voice to any telephone number assigned to a cellular telephone service;

(b) Whether Plaintiff and the Class members were damaged thereby, and the extent of the statutory damages for such violation; and

(c) Whether the Defendant(s) should be enjoined from engaging in such conduct in the future.

22. **Typicality:** Plaintiff's claims are typical of the claims of members of the Class, as Plaintiff was subject to the same common course of conduct by Defendant(s) as all Class members. The injuries to each member of the Class were caused directly by Defendant(s)' wrongful conduct as alleged herein.

23. **Adequacy of Representation:** Plaintiff will fairly and adequately

CLASS ACTION COMPLAINT

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1   represent and protect the interests of the Class. Plaintiff has retained counsel

2   with substantial experience in handling complex class action litigation. Plaintiff

3   and his counsel are committed to prosecuting this action vigorously on behalf of

4   the Class and have financial resources to do so.

5   24.   **Superiority of Class Action**: A class action is superior to other

6   available methods for the fair and efficient adjudication of the present

7   controversy. Class members have little interest in individually controlling the

8   prosecution of separate actions because the individual damage claims of each

9   Class member are not substantial enough to warrant individual filings. In sum,

10 for many, if not most, Class members, a class action is the only feasible

11 mechanism that will allow them an opportunity for legal redress and justice.

12 Plaintiff is unaware of any litigation concerning the present controversy already

13 commenced by members of the Class. The conduct of this action as a class

14 action in this forum, with respect to some or all of the issues presented herein,

15 presents fewer management difficulties, conserves the resources of the parties

16 and of the court system, and protects the rights of each Class member.

17   25.   Moreover, individualized litigation would also present the potential

18 for varying, inconsistent, or incompatible standards of conduct for Defendants,

19 and would magnify the delay and expense to all parties and to the court system

20 resulting from multiple trials of the same factual issues. The adjudication of

21 individual Class members' claims would also, as a practical matter, be

22 dispositive of the interests of other members not parties to the adjudication, and

23 could substantially impair or impede the ability of other Class members to

24 protect their interests.

25   26.   Plaintiff and the members of the Class have suffered and will

26 continue to suffer harm as a result of Defendant(s)' unlawful and wrongful

27 conduct. Defendant(s) have acted or refused to act in respects generally

28 applicable to the Class, thereby making appropriate final and injunctive relief

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12304 Santa Monica Blvd, Suite 221
Los Angeles, California 90025

CLASS ACTION COMPLAINT

with regard to the members of the Class as a whole.

FIRST CAUSE OF ACTION

(VIOLATION OF THE TELEPHONE CONSUMER PROTECTION ACT,

47 U.S.C. *ET SEQ.*)

(Against All Defendants)

27.   Plaintiff hereby incorporates by reference and re-alleges each and every allegation set forth in each and every preceding paragraph of this Complaint, as though fully set forth herein.

28.   The foregoing acts and omission of Defendants constitute numerous and multiple violations of the TCPA, including but not limited to each and every one of the above cited provisions of 47 U.S.C. § 227, *et seq.*

29.   As a result of Defendants violations of 47 U.S.C. § 227, *et seq.*, Plaintiff and the Class Members are entitled to an award of $500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).

30.   Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

SECOND CAUSE OF ACTION

(KNOWING AND/OR WILLFUL VIOLATION OF

THE TELEPHONE CONSUMER PROTECTION ACT, 47 U.S.C. *ET SEQ.*)

(Against All Defendants)

31.   Plaintiff hereby incorporates by reference and re-alleges each and every allegation set forth in each and every preceding paragraph of this Complaint, as though fully set forth herein.

32.   The foregoing acts and omission of Defendants constitute numerous and multiple knowing and/or willful violations of the TCPA, including but not limited to each and every one of the above cited provisions of 47 U.S.C. § 227, *et seq.*

33.   As a result of Defendants violations of 47 U.S.C. § 227, *et seq.*,

CLASS ACTION COMPLAINT

Plaintiff and the Class Members are entitled to an award of $1,500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

34.   Plaintiff and the Class members are also entitled to and seek injunctive relief prohibiting such conduct in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the Class, prays for relief and judgment as follows:

1.   An order certifying this action as a class action and appointing Plaintiff and his counsel to represent the Class;

2.   For the first cause of action:

- Plaintiff and Class members are entitled to and request $500.00 in statutory damages, for each and every violation, pursuant to 47 U.S.C. § 227, *et seq.*;

- Preliminary and permanent injunctive relief enjoining Defendant(s), their agents, servants and employees, and all persons acting in concert with them, from engaging in, and continuing to engage in, the unlawful calls made with automated dialing systems to cellular phones without prior express consent;

- Attorneys' fees, costs and any and all other relief that the Court deems just and proper.

3.   For the second cause of action:

- Plaintiff and Class members are entitled to and request $1,500.00 in statutory damages, for each and every violation , pursuant to 47 U.S.C. § 227, *et seq.*;

- Preliminary and permanent injunctive relief enjoining Defendant(s), their agents, servants and employees, and all persons acting in concert with them, from engaging in, and

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12304 Santa Monica Blvd., Suite 221
Los Angeles, California 90025

continuing to engage in, the unlawful calls made with automated dialing systems to cellular phones without prior express consent;

○ Attorneys' fees, costs and any and all other relief that the Court deems just and proper.

Dated: January 20, 2014   Respectfully submitted,

By:

John P. Kristensen (SBN 224132)
john@kristensenlaw.com
David L. Weisberg (SBN 211675)
david@kristensenlaw.com
KRISTENSEN WEISBERG, LLP
12304 Santa Monica Blvd., Suite 221
Los Angeles, California 90025
Telephone: (310) 507-7924
Fax: (310) 507-7906

Kristensen Weisberg, LLP
12304 Santa Monica Blvd., Suite 221
Los Angeles, California 90025

CLASS ACTION COMPLAINT

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury for all such triable claims.

Dated: January 20, 2014

Respectfully submitted,

By: _____

John P. Kristensen (SBN 224132)
john@kristensenlaw.com
David L. Weisberg (SBN 211675)
david@kristensenlaw.com
KRISTENSEN WEISBERG, LLP
12304 Santa Monica Blvd., Suite 221
Los Angeles, California 90025
Telephone: (310) 507-7924
Fax: (310) 507-7906

Kristensen Weisberg, LLP
12304 Santa Monica Blvd., Suite 221
Los Angeles, California 90025

CLASS ACTION COMPLAINT

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge _____Cormac J. Carney_____ and the assigned Magistrate Judge is _____Robert N. Block_____ .

The case number on all documents filed with the Court should read as follows:

SACV14-00096 CJC (RNBx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

_____January 21, 2014_____
Date

By _Lori Wagers_____
Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ Western Division 312 N. Spring Street, G-8 Los Angeles, CA 90012	☒ Southern Division 411 West Fourth St., Ste 1053 Santa Ana, CA 92701	☐ Eastern Division 3470 Twelfth Street, Room 134 Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

CV-18 (08/13)   NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)	**DEFENDANTS** (Check box if you are representing yourself ☐)
Todd M. Friedman, individually and on behalf of all others similarly situated	Global Exchange Vacation Club and Does 1 through 20, inclusive and each of them

(b) County of Residence of First Listed Plaintiff Los Angeles *(EXCEPT IN U.S. PLAINTIFF CASES)*	County of Residence of First Listed Defendant Orange *(IN U.S. PLAINTIFF CASES ONLY)*
(c) Attorneys *(Firm Name, Address and Telephone Number)* If you are representing yourself, provide the same information. John P. Kristensen (CA SBN 224132) Kristensen Weisberg, LLP 12304 Santa Monica Boulevard, Suite 221 Los Angeles, CA 90025 - Tel. (310) 507-7924	Attorneys *(Firm Name, Address and Telephone Number)* If you are representing yourself, provide the same information.

II. BASIS OF JURISDICTION (Place an X in one box only.)

☐ 1. U.S. Government Plaintiff

☒ 3. Federal Question (U.S. Government Not a Party)

☐ 2. U.S. Government Defendant

☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated or Principal Place of Business in this State	☐ 4	☒ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. ORIGIN (Place an X in one box only.)

☒ 1. Original Proceeding

☐ 2. Removed from State Court

☐ 3. Remanded from Appellate Court

☐ 4. Reinstated or Reopened

☐ 5. Transferred from Another District (Specify)

☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No   (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: ☒ Yes ☐ No   ☒ **MONEY DEMANDED IN COMPLAINT:** $ Exceeds 5.0M

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

47 U.S.C. § 227, et seq. - Violations of the Telephone Consumer Protection Statute

VII. NATURE OF SUIT (Place an X in one box only).

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
☐ 375 False Claims Act	☐ 110 Insurance	☐ 240 Torts to Land	☐ 462 Naturalization Application	**Habeas Corpus:**	☐ 820 Copyrights
☐ 400 State Reapportionment	☐ 120 Marine	☐ 245 Tort Product Liability	☐ 465 Other Immigration Actions	☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence	☐ 830 Patent
☐ 410 Antitrust	☐ 130 Miller Act	☐ 290 All Other Real Property			☐ 840 Trademark
☐ 430 Banks and Banking	☐ 140 Negotiable Instrument	**TORTS**	**TORTS**	☐ 530 General	**SOCIAL SECURITY**
☐ 450 Commerce/ICC Rates/Etc.	☐ 150 Recovery of Overpayment & Enforcement of Judgment	**PERSONAL INJURY**	**PERSONAL PROPERTY**	☐ 535 Death Penalty	☐ 861 HIA (1395ff)
☐ 460 Deportation		☐ 310 Airplane	☐ 370 Other Fraud	**Other:**	☐ 862 Black Lung (923)
☐ 470 Racketeer Influenced & Corrupt Org.		☐ 315 Airplane Product Liability	☐ 371 Truth in Lending	☐ 540 Mandamus/Other	☐ 863 DIWC/DIWW (405 (g))
☐ 480 Consumer Credit	☐ 151 Medicare Act	☐ 320 Assault, Libel & Slander	☐ 380 Other Personal Property Damage	☐ 550 Civil Rights	☐ 864 SSID Title XVI
☐ 490 Cable/Sat TV	☐ 152 Recovery of Defaulted Student Loan (Excl. Vet.)	☐ 330 Fed. Employers' Liability	☐ 385 Property Damage Product Liability	☐ 555 Prison Condition ☐ 560 Civil Detainee Conditions of Confinement	☐ 865 RSI (405 (g))
☐ 850 Securities/Commodities/Exchange	☐ 153 Recovery of Overpayment of Vet. Benefits	☐ 340 Marine	**BANKRUPTCY**	**FORFEITURE/PENALTY**	**FEDERAL TAX SUITS**
☒ 890 Other Statutory Actions		☐ 345 Marine Product Liability	☐ 422 Appeal 28 USC 158	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 891 Agricultural Acts	☐ 160 Stockholders' Suits	☐ 350 Motor Vehicle	☐ 423 Withdrawal 28 USC 157	☐ 690 Other	☐ 871 IRS-Third Party 26 USC 7609
☐ 893 Environmental Matters	☐ 190 Other Contract	☐ 355 Motor Vehicle Product Liability	**CIVIL RIGHTS**	**LABOR**	
☐ 895 Freedom of Info. Act	☐ 195 Contract Product Liability	☐ 360 Other Personal Injury	☐ 440 Other Civil Rights	☐ 710 Fair Labor Standards Act	
☐ 896 Arbitration	☐ 196 Franchise	☐ 362 Personal Injury-Med Malpratice	☐ 441 Voting	☐ 720 Labor/Mgmt. Relations	
	REAL PROPERTY	☐ 365 Personal Injury-Product Liability	☐ 442 Employment	☐ 740 Railway Labor Act	
☐ 899 Admin. Procedures Act/Review of Appeal of Agency Decision	☐ 210 Land Condemnation	☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability	☐ 443 Housing/ Accommodations	☐ 751 Family and Medical Leave Act	
	☐ 220 Foreclosure		☐ 445 American with Disabilities-Employment	☐ 790 Other Labor Litigation	
☐ 950 Constitutionality of State Statutes	☐ 230 Rent Lease & Ejectment	☐ 368 Asbestos Personal Injury Product Liability	☐ 446 American with Disabilities-Other ☐ 448 Education	☐ 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY: Case Number: **SACV14-00096 CJC (RNBx)**		
CV-71 (11/13)	CIVIL COVER SHEET	Page 1 of 3

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court?	STATE CASE WAS PENDING IN THE COUNTY OF:	INITIAL DIVISION IN CACD IS:
☐ Yes ☒ No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	☐ Los Angeles	Western
	☐ Ventura, Santa Barbara, or San Luis Obispo	Western
	☐ Orange	Southern
	☐ Riverside or San Bernardino	Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action?	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF? Then check the box below for the county in which the majority of DEFENDANTS reside.	**A DEFENDANT?** Then check the box below for the county in which the majority of PLAINTIFFS reside.	
☐ Yes ☒ No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	☐ Los Angeles	☐ Los Angeles	Western
	☐ Ventura, Santa Barbara, or San Luis Obispo	☐ Ventura, Santa Barbara, or San Luis Obispo	Western
	☐ Orange	☐ Orange	Southern
	☐ Riverside or San Bernardino	☐ Riverside or San Bernardino	Eastern
	☐ Other	☐ Other	Western

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	☒	☐	☐	☐	☐	☐
Indicate the location in which a majority of defendants reside:	☐	☐	☒	☐	☐	☐
Indicate the location in which a majority of claims arose:	☐	☐	☒	☐	☐	☐

C.1. Is either of the following true? If so, check the one that applies:

☒ 2 or more answers in Column C

☐ only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the
SOUTHERN DIVISION.
Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. ➡

C.2. Is either of the following true? If so, check the one that applies:

☐ 2 or more answers in Column D

☐ only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the
EASTERN DIVISION.
Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. ⬇

Your case will initially be assigned to the
WESTERN DIVISION.
Enter "Western" in response to Question D below.

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: ➡	SOUTHERN DIVISION

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed **in this court** and dismissed, remanded or closed? [X] NO   [ ] YES

If yes, list case number(s):

IX(b). RELATED CASES: Have any cases been previously filed in **this court** that are related to the present case? [X] NO   [ ] YES

If yes, list case number(s):

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)   [ ] A. Arise from the same or closely related transactions, happenings, or events; or

[ ] B. Call for determination of the same or substantially related or similar questions of law and fact; or

[ ] C. For other reasons would entail substantial duplication of labor if heard by different judges; or

[ ] D. Involve the same patent, trademark or copyright, _and_ one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):   DATE: January 20, 2014

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))